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09/650,504	08/29/2000	Charles M. Link II	BELL-0018/99208	8568

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EXAMINER	
FERGUSON, KEITH	

ART UNIT	PAPER NUMBER
2683	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/650,504	Applicant(s) LINK ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6,18-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehmacher et al..

The claimed invention reads on Lehmacher et al. as follows: Lehmacher et al. discloses a method of connecting an out-of-market customer to a desired telephone number (toll free universal number) (col. 2 lines 5-65), comprising: receiving a customer validation request (call request) from a foreign market

provider (fig. 2 network 1)(col. 5 line 40 through col. 6 line 50); providing a toll-free telephone number to said foreign market provider (col. 5 line 40 through col. 6 line 50); and directing a call request from said foreign market provider to said desired telephone number (col. 6 lines 35-50), wherein said desired telephone number is a toll base call with respect to the out of market customer, inherent since the toll free number is converted to a international telephone so that a telephone connection could be performed by different networks, as taught in col. 1 lines 22-63), wherein said call request is based on said provided toll-free telephone number (col. 6 lines 35-50).

Regarding claim 2, Lehmacher et al. discloses said customer validation request includes said desired telephone number (toll-free universal call number) (col. 6 lines 19-45).

Regarding claim 3, Lehmacher et al. discloses said customer validation request includes a mobile identification number (subscriber code) (SID) (col. 6 lines 50-64 and claim 15).

Regarding claim 4, Lehmacher et al. discloses said toll - free telephone number is assigned to a home market provider (fig. 2 network 2)(col. 5 lines 55-61).

Regarding claim 5, Lehmacher et al. discloses said toll-free telephone number is an 800 telephone number (col. 4 lines 38-46).

Regarding claim 6, Lehmacher et al. discloses directing said call request to said desired telephone number using a service package application (Intelligent Network Application (INAP) (col. 6 lines 20-50).

Regarding claim 18, Lehmacher et al. discloses a wireless telephone device (fig. 2 number EX2) for connecting an out-of-market customer (fig. 2 TE21) to a desired telephone number (toll free universal number) (col. 2 lines 5-65), comprising a computer-readable medium having computer executable instructions thereon (col. 5 lines 12-18) for: determining whether said wireless telephone device is out of a home market (fig. 2 network 2)(col. 5 lines 35-55); receiving a desired destination telephone number (col. 6 lines 19-50); and transmitting a call request to a toll-free telephone number in response to said desired telephone number when said wireless telephone device is out of a home market (fig. 2 network 2) (col. 6 lines 19-50), wherein said desired telephone number is a toll base call with respect to the

out of market customer, inherent since the toll free number is converted to a international telephone so that a telephone connection could be performed by different networks, as taught in col. 1 lines 22-63).

Regarding claim 19, Lehmacher et al. discloses a computer-executable instructions thereon for transmitting said desired destination telephone number with said call request to said toll-free telephone number (col. 6 lines 19-50).

Regarding claim 20, Lehmacher et al. discloses storing said desired destination number after transmitting said call request and transmitting said desired destination telephone number in response to a request directed from said toll-free telephone number (col. 5 lines 47-61).

Regarding claim 22, Lehmacher et al. discloses a method of routing an out-of-market customer to a desired telephone number (toll free universal number) without incurring connection costs from a foreign market provider (col. 2 lines 5-65), comprising: receiving a customer validation request (call request) from said foreign market provider (fig. 2 network 1)(col. 5 line 40 through col. 6 line 50), wherein said customer validation request

includes said desired telephone number (toll free universal number)(col. 2 lines 5-65 and col. 6 lines 19-64) and a mobile identification number (subscriber code)(SID)(col. 6 lines 50-64 and claim 15), wherein said desired telephone number is a toll base call with respect to the out of market customer, inherent since the toll free number is converted to a international telephone so that a telephone connection could be performed by different networks, as taught in col. 1 lines 22-63); providing a toll-free telephone number to said foreign market provider (col. 5 line 40 through col. 6 line 50), wherein said toll-free telephone number is an 800 telephone number (inherent, as a toll-free number, taught in col. 5 lines 55-60) owned by a home market provider (col. 5 lines 55-60); and directing a toll-free call request from said foreign market provider to said desired telephone number (col. 6 lines 19-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmacher et al. in view of Valsa et al. (WO 00/27144).

Regarding claims 7 and 17, Lehmacher et al. discloses a method of connecting an out-of-market customer to a desired telephone number as discussed supra in claims 1 and 8 above. Lehmacher et al. differs from claims 7 and 17 of the present invention in that it does not explicit disclose randomly selecting said toll-free number. Valsa et al. teaches looking up abbreviated directory phone numbers that are stored and retrieving corresponding directory numbers (page 6 lines 26-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lehmacher et al. call request with looking up abbreviated directory phone numbers that are stored and retrieving corresponding directory numbers in order for network 1 to apply a toll free charge for call connection within the visiting network based upon the subscriber profile within its home location register, as taught by Valsa et al..

6. Claims 8,9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmacher et al. in view of Fabritus et al..

Regarding claim 8, Lehmacher et al. discloses a telecommunications system (fig. 2) for connecting an out-of-market customer (fig. 2 TE21) to a desired telephone number (toll free universal number) (col. 2 line 5-65), comprising: a home mobile switching center (mobile radio exchange)(EX1) in communication with a foreign mobile switching center (mobile radio exchange)(EX2)(fig. 2); in communication with said home mobile switching center (EX1) and with said desired telephone number (col. 6 lines 29-45); and a service control point (within the service unit SERV) (col. 5 lines 1-7), wherein said service control point instructs to route a call request received from said foreign mobile switching center to said desired telephone number (col. 6 lines 19-50), wherein said desired telephone number is a toll base call with respect to the out of market customer, inherent since the toll free number is converted to a international telephone so that a telephone connection could be performed by different networks, as taught in col. 1 lines 22-63). Lehmacher et al. differs from claim 8 of the present invention in that it does not explicit disclose a service switching point in communication with said service control point

and wherein said service control point instructs said service switching point to rout a call request. Fabritus et al. teaches a service switching point (fig. 1 number 7) in communication with said service control point fig. 1 number 9) and wherein said service control point instructs said service switching point to rout a call request (col. 4 line 60 through col. 5 line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lehmacher et al. with a service switching point in communication with said service control point and wherein said service control point instructs said service switching point to rout a call request in order for network 1 to determine how to handle the visiting subscriber toll free call and how the call is to be set up when seeking toll free service, as taught by Fabritus et al..

Regarding claim 9, Lehmacher et al. discloses one mobile telephone unit (fig. 2 TE21) located within said foreign market (fig. 2 network 1), wherein said mobile telephone unit subscribes to said home mobile switching center (col. 5 lines 40-60).

Regarding claim 12, Lehmacher et al. discloses said foreign mobile switching center (EX2) communicates a customer validation

request (call connection) to said home mobile switching center (EX1) (col. 5 line 35 through col. 6 line 50).

Regarding claim 13, Lehmacher et al. discloses said customer validation request includes said desired telephone number (toll-free universal call number) (col. 6 lines 19-45).

Regarding claim 14, Lehmacher et al. discloses said customer validation request includes a mobile identification number (subscriber code) (SID) (col. 6 lines 50-64 and claim 15).

Regarding claim 15, Lehmacher et al. discloses said call request is based on a toll-free telephone number (col. 6 lines 19-50).

Regarding claim 16, Lehmacher et al. discloses said toll-free telephone number is a pre-determined sequence of characters (col. 4 lines 41-46).

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmacher et al. in view of Fabritus et al. as applied to claim 8 above and in further view of Boughman et al..

Regarding claims 10 and 11, the combination of Lehmacher et al. and Fabritus et al. differs from claims 10 and 11 of the present invention in that they do not explicit disclose a trigger that is set by said service control point and a service package application that processes said call request and instructs said service control point to set said trigger such that said call request encounters said trigger. Boughman et al. teaches a trigger that is set by said service control point (col. 1 lines 14-36) and a service package application (intelligent network) that processes said call request and instructs said service control point to set said trigger such that said call request encounters said trigger (col. 1 lines 14-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lehmacher et al. and Fabritus et al. with a trigger that is set by said service control point and a service package application that processes said call request and instructs said service control point to set said trigger such that said call request encounters said trigger in order for the serv of network 2 to know how to rout and handle the call request for a toll-free number to be applied by network 1 subscriber, as taught by Boughman et al..

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmacher et al. in view of Malackowski et al..

Regarding claim 21, Lehmacher et al. discloses a wireless telephone device for connecting an out-of-market customer to a desired telephone number as discussed supra in claim 18 above. Lehmacher et al. differs from claim 21 of the present invention in that it does not disclose querying a user to re-enter said desired destination telephone number in response to a request directed from said toll-free telephone number. Malackowski et al. teaches a mobile telephone switching office instructs a user to re-enter (re-dial) a desired destination telephone number in response to a request (paragraph 0094 line 1 through paragraph 0100 line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lehmacher et al. mobile radio exchange with querying a user to re-enter said desired destination telephone number in response to a request directed from said toll-free telephone number in order to request the subscriber within network 1 to redial the toll free number in case there is an call interruption or call disconnect between network 1 and network 2 to complete the toll free call, as taught by Malackowski et al..

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be

reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
July 6, 2004

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